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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,103	12/06/2001	Harold Y. Walker JR.	M10-02354 US	9457
128	7590 01/02/2004		EXAMINER,	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			KANG, JULIANA K	
			ART UNIT	PAPER NUMBER
			2874	
	•		DATE MALLED: 01/02/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

		<u>Im</u>			
	Application No.	Applicant(s)			
Office Action Summer	10/006,103	WALKER ET AL.			
Office Action Summary	Examiner	Art Unit			
TI. MANUNO DATE CALL	Juliana K. Kang	2874			
The MAILING DATE of this communication a Period for Reply	ppears on the cover sneet with the (	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REF THE MAILING DATE OF THIS COMMUNICATION  - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a r  - If NO period for reply is specified above, the maximum statutory perion  - Failure to reply within the set or extended period for reply will, by state  - Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).  Status	1.136(a). In no event, however, may a reply be tile eply within the statutory minimum of thirty (30) day of will apply and will expire SIX (6) MONTHS from tute, cause the application to become ABANDONE	mely filed ys will be considered timely. n the mailing date of this communication. ED (35 U.S.C. § 133).			
1) Responsive to communication(s) filed on 8/5	5/03 (preliminary amendment).				
2a) This action is <b>FINAL</b> . 2b) ⊠ Th	is action is non-final.	( '			
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4)  Claim(s) 1-34 is/are pending in the application 4a) Of the above claim(s) is/are withdred 5)  Claim(s) is/are allowed. 6)  Claim(s) 1-34 is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and	rawn from consideration.				
Application Papers					
9)☐ The specification is objected to by the Examiner.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120					
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of:  1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume 4. See the attached detailed Office action for a li 13) Acknowledgment is made of a claim for dome since a specific reference was included in the 37 CFR 1.78.  a) The translation of the foreign language priority acknowledgment is made of a claim for dome reference was included in the first sentence of	ents have been received. Ents have been received in Applicate iority documents have been received au (PCT Rule 17.2(a)). Est of the certified copies not receive stic priority under 35 U.S.C. § 119(first sentence of the specification of provisional application has been received stic priority under 35 U.S.C. §§ 120	cion No  ed in this National Stage  ed.  (e) (to a provisional application)  or in an Application Data Sheet.  ceived.  2 and/or 121 since a specific			
Attachment(s)					
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449) Paper No(s)</li> </ol>	5) Notice of Informal F	/ (PTO-413) Paper No(s) Patent Application (PTO-152)			

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#### **DETAILED ACTION**

### Inventorship

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

#### Response to Amendment

2. The preliminary amendment filed August 5, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Newly added claims 21-34 recite the limitations such as a tab sized to mate with a slot, a slidably mounted member, a lever, a cross-bar and a knob which are not supported by the originally filed disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

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## Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 4. Claims 1-3, 7-9, 11-13, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahrens et al (US 2003/0044129 A1).

Ahrens et al disclose a transceiver system comprising a release mechanism for manually securing a pluggable fiber optic transceiver module (400) (which includes a housing (410) and a release mechanism (450), see [0026]) to a cage (160) wherein the module comprises a handle (464) with an associated cam (48). Moving the handle in a downward direction allows the cam to move an associated ejector button (470, latch) integrated with the module in order to release the module from the transceiver system. Having the handle in an upward position is a locked position (see [0014]).

## Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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6. Claims 4- 6, 10, 14-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahrens et al (US 2003/0044129 A1).

As described above, Ahrens et al disclose the claimed pluggable optical module using the handle and the ejector button (latch). Although Ahrens et al teach that the ejector button is formed using molding process [0029], Ahrens et al does not explicitly teach the materials for the handle and the ejector button. One with ordinary skill in the art would easily recognize the need of rigid materials for the handle and the ejector button for durability. And since, applicant does not provide the criticality of having the claimed materials, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use any rigid materials including steel and plastic in Ahrens et al in order to provide the study handle and ejector button.

#### Conclusion

- 7. The prior art documents submitted by applicant have been considered and made of record (note the attached copy of form PTO-1449).
- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lemke (U.S. Patent 6,081,431) discloses using an eject handle and cam bars to extract a module from a circuit board.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana K. Kang whose telephone number is (703) 305-6259. The examiner can normally be reached on Mondays and Thursdays 7:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3072.

Juliana Kang

December 19, 2003